

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
MAY 27, 2014

MINUTES

PRESENT:

Jay Diener, Chair
Peter Tilton, Jr., Vice Chair
Barbara Renaud, Clerk
Sharon Raymond
Gordon Vinther
Pat Swank, alternate
Diane Shaw, alternate

Also Present: Rayann Dionne, Conservation Coordinator
Keith Lessard – Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Chairman, Jay Diener, at the Town Hall Selectman's Meeting Room.

CONSIDERATION OF MINUTES:

MOTION: Mr. Tilton moved to approve the April 22, 2014 minutes, with edits provided.

SECOND: Ms. Shaw

VOTE: 6 in Favor 1 Abstain (Diener)

APPOINTMENTS – Jamie Murphy, 500 Exeter Road. – Owner. Discussion regarding the addition of fill, re-grading, and creation of additional driveway space within the 50' buffer. Agent: Joe Coronati, Jones and Beach Engineers.

Mr Diener stated that Mr. Murphy is before the Commission this evening as an Appointment in order to discuss possible solutions to problems that would minimize the impacts on the wetlands and buffer on Mr. Murphy's property.

Mr. Coronati stated that he visited the site today with Mr. Murphy. They discussed the history of the property and that the project was initiated before the owner was aware of the presence of wetlands. He also stated that it looks like Mr. Murphy was led in the wrong direction with regard to clearing of the property. The project is partially done, and Mr Murphy is looking to resolve the issues.

Mr. Murphy provided a plan and said that prior to beginning any work, he reviewed the on-line GIS Town maps looking to see where wetlands showed, or did not show, on the property. Mr. Murphy looked at the "wetlands" map layer which did not show wetlands in the area he was proposing to do work. However, he was made aware of the NWI (Nation Wetland Inventory) map layer which showed more extensive wetlands when he was contacted by the Conservation Coordinator about a potential wetland violation. Further he said he spoke to the Building Inspector in March of 2013 to determine if there were any potential issues. Mr. Murphy stated that he contacted the Building

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Inspector via e-mail about the removal of trees to expand the driveway and re-grading for future installation of a shed or garage. The Building Inspector recommended contacting DPW with regards to the driveway expansion.

Mrs. Dionne noted that a disclaimer has been added to the Town Web Site which reminds people that the information provided is for guidance purposes and to contact the appropriate agency for permit questions and/or clarification. She also stated that the Web Site is being improved and updated.

Mr Murphy explained that he is in the lumber industry and has a truck with a large trailer and that, along with having a large family with many cars, he realized the current turn areas for vehicles was not sufficient. He removed the trees and wanted a turn-around area as well as additional parking. He said it is a big issue and dangerous when people are trying to back out of the driveway, as it is a blind driveway backing directly onto Exeter Road.

Mr. Diener noted that when he walked the site, he noticed that there was a lot of fill on one side of the house to raise up the area in order to create a turn-around. Mr. Murphy said his original goal was to grade the side area for a future garage or shed construction and created a second circular driveway. He is now aware that these areas are both in the wetlands buffer.

Mr. Murphy questions whether this is the house he wants to be living in in the future given he cannot do what he wants with the property, i.e. a garage and an addition to the dwelling. Mr. Diener stated that opportunities for expansion will be limited. Mr. Tilton noted it is a large lot, but there is only a small dry spot to build, surrounded by wetlands. Mrs. Dionne noted that the driveway and turn around is impacting; however, there may be some flexibility.

Mr. Murphy suggested he could move the turn-around further away from the buffer zone by taking out two more trees and widening at the "square" (see plan). Mr. Diener commented that restoring wetlands that are impacted would be classified as "restoration rather than mitigation.

Ms. Raymond stated that Mr. Murphy should have had plans for the property and it is clear there is an obligation for the purchaser to look at the property maps prior to purchase in order to make sure it is understood what one is buying. She said, based on looking at the photos, she sees a lot of wet areas and cut trees.

Mr. Tilton noted that the main source of information would be the Building Inspector. Further, he is not holding Mr. Murphy at fault; but, the property cannot be left as is and it cannot be made to what Mr. Murphy wants it to be.

Mr Coronati stated that he has calls all the time from people who know nothing about their properties, even where their septic system is located.

Mr. Diener stated that the Commission is making as much of an effort as it can to ensure new owners are made aware if they have wetlands on their property. He explained that tax cards will have information as to whether there have been Special Permits for wetlands issued for a specific property. Letters are sent to new property owners notifying them that there may be wetlands on their properties. He also stated that it is clear that things were not done the way they should have been on this particular property. Further, he said the Commission will try, tonight, to help make progress on the turn-around issue; however, the garage or other structures would have to be brought to the Commission through the Special Permit process. In addition, he is not in favor of having structures built within the wetlands and buffers.

Mr. Lessard noted that the Building Inspector, through an E-Mail to Mr. Murphy, suggested contacting the Assessor's Office regarding tree cutting.

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Mr. Murphy commented that he had contacted the State and was informed he could not have a horseshoe driveway in that they do not allow two entrances onto a State Road. He also stated he made a mistake and would like to restore and achieve goals that are acceptable to all.

Ms. Raymond said he may get past other plans and do something to help with the turn around, but she would not entertain a garage and addition to the dwelling.

Mrs. Dionne noted that the buffer comes to the driveway on both sides and that any expansion will impact the buffer. Mrs. Dionne wondered if it would make sense to widen out closer to the road to help create a turn-around. She also recommended a tear-drop which would allow for the loop. Mr. Coronati drew a "T" driveway as a suggestion. Ms. Raymond said that a Registered Land Surveyor should be used to redelineate the wetland/buffer and identify the current area of impact. Further, Mrs. Dionne stated that calculations could be done to see the impact, as the smaller impact would be more feasible.

There was discussion on the "T" driveway suggestion and whether a "T" or a circle would be acceptable. Asphalt will not work and crushed stone was recommended. There may not be enough room above the water table to put in an adequate base for permeable asphalt. Further, the original grades and filled area should be identified.

It was suggested Mr. Murphy file a plan that indicates what he now has vs. what he proposes to do, including the current conditions. Further, if restoration only, a Special Permit is not needed; however, a Special Permit will be required if additional work is to be done.

APPLICATIONS:

1. Stowcroft/Dalton Woods. Lloyd Graves and Green & Co. Agent – Jones and Beach Engineering. Proposed 13-Lot Subdivision that will involve the construction of a propose roadway, construction of a gravel wetland pond, and replanting trees around the wetland impact. There will be 680 SF of wetland impacts and 5,280 SF of buffer impacts. This is a Town Special Permit and NHDES Standard Dredge and Fill application.

Mrs. Dionne stated that the following Application will be continued to the meeting of June 24, 2014. The reason for the continuance is that the report from RCCD was received too late for the Commission to review it prior to tonight's meeting, and because RCCD could not attend to answer questions about the report. RCCD will be present at the June meeting.

Board of Selectmen Referral:

- 1. Recommendation via the RSA 41:14 – A process for the acceptance of a 5.107 acre parcel of land from the developer of Great Gate Drive.**

Mr. Diener reported that the Board of Selectmen asked the Commission to vote to recommend the acceptance of a 5.107 acre parcel from the developer of Great Gate Drive. He noted this is from the 1993 subdivision development.

MOTION: It was moved by Ms. Renaud to recommend the Board of Selectmen approve the acceptance of a 5.107 acre parcel of land from the developer of Great Gate Drive.

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SECOND: Ms. Raymond

VOTE: 6 in favor, 0 opposed, 1 abstain (Diener)

NEW BUSINESS:

a. Join the NH Association of Natural Resource Scientists – NHANRS

Mrs. Dionne stated that this association promotes natural resources and education, as well as advocates wetland policies and training. Further there is a newsletter and workshops. The cost is \$20.00 per year to join.

MOTION: It was moved by Ms. Raymond to recommend the Conservation Commission join the NHANRS on a one-year trial basis for \$20.00.

SECOND: Ms. Renaud

MOTION: 7 in favor, 0 opposed, 0 abstain

b. Open Space Committee.

There was discussion on reviving the Open Space Committee, and Mrs. Dionne suggested this be added to the Open Space Page on the Web Site. Further, she would discuss with IT to have a “headline” included on the Web Site regarding the Committee being added along with the five other common activities.

c. Identify Conservation Land needing signage.

The Commission discussed land needing signage; and, how much signage. Those identified are:

Hurd Farm

Drakeside Road (Viewing Area)

White’s Lane

Jonty Lane

Great Gate Woods.

d. 2015 Warrant Articles

Town Forest Warrant Article, as follows:

Shall the Town of Hampton vote to establish a Town Forest in accordance with RSA from land currently owned by the Town and known as Twelve Shares. The Town Forest Committee shall be composed of the Conservation Commission with the Tree Warden as an ex-officio member. Funds appropriated for establishing and maintaining the town Forest are from the proceeds of timber harvesting in the Town Forest and shall be placed in a special forest maintenance fund, not part of the general fund, and shall be allowed to accumulate from year to year.

Discussion was held on other suggested articles:

1. Ice Pond Dam (It was suggested that there be photos of Ice Pond showing people using the pond, as well as wildlife in the Pond to demonstrate that it is a wildlife habitat.)

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2. Removal of the Cooperage. We will check previous minutes to see if a Warrant Article was used to move the Cooperage to the Victory Garden. The question was raised about whether a Warrant Article is necessary to remove it.)
 3. Maintenance of the Blacksmith Shop. (Funds from the Victory Garden could be used for this purpose)
 4. Administrative Updates:
Change title of Permit from “Special Permit” to “Wetlands Permit”;
RCCD Guidance as to how to better define poorly/very poorly drained soils;
Criteria for identifying a Vernal Pool, with more substantial buffer around pool.
- e. **Phragmites Control for 2014.** There are no funds for this year; however, we will keep an eye on when the previous work was done to see the effect 2-3 years later.
- f. **Organize a clean-up group for Conservation properties.** Ms. Swank reported that neighbors of Ice Pond had a big clean-up with knotweed cut and debris bagged and taken to the dump. It is hopeful that a group of neighbors will meet regularly to keep the knotweed cut back, to clean the trail and rake out the path, while keeping in a natural state. Ms. Swank requested a “Clean up after your Dog” sign be posted.
- g. **Rain Barrel Auction funds from 2013 and 2014**
The sale has been postponed to June 7th in the Town Hall Parking Lot. This is the same day the Rain Garden will be installed at the Library. Mr. Diener requested a motion regarding the use of the proceeds from the auction.
- MOTION: Mr Tilton moved that the 2013 and 2014 Rain Barrel Auction revenue be allocated to Green Infrastructure projects.**
SECOND: Ms. Raymond
VOTE: 6 in favor, 0 opposed, 1 abstain (Diener)
- h. **HCC Environmental Science Award – Hampton Academy**
The Award will be presented on June 17th. Mr Vinther volunteered to be this year’s presenter.

CONSERVATION COORDINATOR and CHAIR UPDATE

Mrs. Dionne spoke to the Keefe Avenue landscaping request. She stated the back units are close to the marsh and there is no room in the narrow area in front of the retaining wall for grass to be mowed. She requested, with the Commission’s approval, the use of a Landscape Permit, vs. a Special Permit amendment to use a porous fabric and rounded stone in the area instead of the grass. The retaining wall is higher than the stones will be and will prevent those stones from migrating to the marsh. Having stones in the area will also prevent the use of fertilizer which would likely be used on grass, if planted. The Commission agreed with this approach, and that it can be handled via a Landscape Permit.

Mr. Diener reported that June 25th is the deadline to have the proposed budget to the Finance Department. He asked if there are any thoughts or changes, members can e-mail them to him. He also reported he is requesting a pay increase for Mrs. Dionne for 2015.

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TREASURER's REPORT – Ms. Renaud - The quarterly report will be provided in July. She also reported \$10,000 for the Land Conservation Fund has been received and is in the bank from the last Town Meeting.

ADJOURN:

MOTION: Mr. Raymond moved to adjourn the meeting at 9:19 p.m.

SECOND: Mr. Tilton

VOTE: 7 in favor, 0 opposed

The meeting was adjourned at 9:19 p.m.

The next meeting of the Hampton Conservation Commission will be held on Tuesday, June 22, 2014.

Respectfully submitted,
Anne Marchand, Recorder